

1 A bill to be entitled
2 An act relating to the prohibition of electronic
3 gambling devices; providing legislative findings and a
4 declaration of intent and construction; amending s.
5 849.0935, F.S., relating to drawings by chance offered
6 by nonprofit organizations; revising the definition of
7 the term "drawing by chance" to include the term
8 "raffle" within the meaning of the term and exclude
9 the term "game promotions"; revising conditions for
10 exceptions to prohibitions on lotteries; prohibiting
11 the use of certain devices operated by drawing
12 entrants; providing penalties; amending s. 849.094,
13 F.S., relating to game promotions in connection with
14 sale of consumer products or services; defining the
15 term "department" as the Department of Agriculture and
16 Consumer Services; revising definitions; prohibiting
17 specified nonprofit organizations from operating a
18 game promotion; providing conditions for exceptions to
19 prohibitions on lotteries; prohibiting the use of
20 certain devices operated by game promotion entrants;
21 revising procedures for operation of a game promotion;
22 providing for construction; providing penalties;
23 providing that violations are deceptive and unfair
24 trade practices; revising applicability provisions;
25 amending s. 849.16, F.S.; defining the term "slot
26 machine or device" for purposes of specified gambling
27 provisions; providing a rebuttable presumption that a
28 device, system, or network is a prohibited slot

29 machine; amending s. 895.02, F.S.; revising the
 30 definition of the term "racketeering activity" to
 31 include violations of specified provisions; amending
 32 s. 721.111, F.S., relating to promotional offers;
 33 conforming cross-references; reenacting ss.
 34 16.56(1) (a), 338.234(1), 655.50(3) (g), 849.19,
 35 896.101(2) (g), and 905.34(3), F.S., relating to the
 36 Office of Statewide Prosecution, the Florida Turnpike,
 37 money laundering, seizure of property, the Florida
 38 Money Laundering Act, and a statewide grand jury,
 39 respectively, to incorporate changes made by the act
 40 in references thereto; providing an effective date.

41

42 Be It Enacted by the Legislature of the State of Florida:

43

44 Section 1. Findings and declarations of necessity.-

45 (1) The Legislature declares that s. 849.01, Florida
 46 Statutes, specifically prohibits the keeping or maintaining of a
 47 place for the purpose of gambling or gaming.

48 (2) The Legislature finds that s. 849.0935, Florida
 49 Statutes, was enacted to allow specified charitable or nonprofit
 50 organizations the opportunity to raise funds to carry out their
 51 charitable or nonprofit purpose by conducting a raffle for
 52 prizes by eliminating the element of consideration and allowing
 53 the receipt of voluntary donations or contributions and was not
 54 intended to provide a vehicle for the establishment of places of
 55 gambling or gaming.

56 (3) The Legislature finds that s. 849.094, Florida
 57 Statutes, was enacted to regulate certain game promotions or
 58 sweepstakes conducted by for-profit commercial entities on a
 59 limited and occasional basis as an advertising and marketing
 60 tool and incidental to substantial bona fide sales of consumer
 61 products or services, if the element of consideration is removed
 62 as no purchase necessary and they comply with the requirements
 63 and rules specified by law, and was not intended to provide a
 64 vehicle for the establishment of places of ongoing gambling or
 65 gaming.

66 (4) Therefore, the Legislature finds that there is a
 67 compelling state interest in addressing the deleterious effects
 68 of the proliferation of electronic machines and devices used for
 69 maintaining an ongoing place of gambling or gaming under the
 70 pretext of conducting a charitable nonprofit drawing by chance,
 71 or a sweepstakes game promotion in connection with the sale of a
 72 consumer product or service. The Legislature declares that it is
 73 the intent of this act to clarify that the use of such devices
 74 is prohibited, and this act may not be construed to authorize
 75 the possession or operation of any machine or device that is
 76 prohibited under any other provision of law.

77 Section 2. Paragraph (a) of subsection (1) and subsections
 78 (2), (4), and (7) of section 849.0935, Florida Statutes, are
 79 amended to read:

80 849.0935 Charitable, nonprofit organizations; drawings by
 81 chance; required disclosures; unlawful acts and practices;
 82 penalties.—

83 (1) As used in this section, the term:

84 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
 85 an enterprise in which, from the entries submitted by the public
 86 to the organization conducting the drawing, one or more entries
 87 are selected by chance to win a prize. The term "drawing" does
 88 not include those enterprises, commonly known as "game
 89 promotions," as defined by s. 849.094, "matching," "instant
 90 winner," or "preselected sweepstakes," which involve the
 91 distribution of winning numbers, previously designated as such,
 92 to the public.

93 (2) Section ~~The provisions of s. 849.09~~ does ~~shall~~ not be
 94 ~~construed to~~ prohibit an organization ~~qualified under 26 U.S.C.~~
 95 ~~s. 501(c)(3), (4), (7), (8), (10), or (19)~~ from conducting
 96 drawings by chance pursuant to the authority granted by this
 97 section, if ~~provided~~ the organization has complied with all
 98 applicable provisions of chapter 496 and this section. Authority
 99 to conduct drawings by chance pursuant to this section does not
 100 provide an exemption to s. 849.01, s. 849.15, or any other law.

101 (4) It is unlawful for any organization that ~~which~~,
 102 pursuant to the authority granted by this section, promotes,
 103 operates, or conducts a drawing by chance:

104 (a) To design, engage in, promote, or conduct any drawing
 105 in which the winner is predetermined by means of matching,
 106 instant win, or preselected sweepstakes or otherwise or in which
 107 the selection of the winners is in any way rigged;

108 (b) To require an entry fee, donation, substantial
 109 consideration, payment, proof of purchase, or contribution as a
 110 condition of entering the drawing or of being selected to win a
 111 prize. However, this paragraph does ~~provision shall~~ not prohibit

112 an organization from suggesting a minimum donation or from
 113 including a statement of such suggested minimum donation on any
 114 printed material used ~~utilized~~ in connection with the
 115 fundraising event or drawing;

116 (c) To condition the drawing on a minimum number of
 117 tickets having been disbursed to contributors or on a minimum
 118 amount of contributions having been received;

119 (d) To arbitrarily remove, disqualify, disallow, or reject
 120 any entry or to discriminate in any manner between entrants who
 121 gave contributions to the organization and those who did not
 122 give such contributions;

123 (e) To fail to promptly notify, at the address set forth
 124 on the entry blank, any person, whose entry is selected to win,
 125 of the fact that he or she won;

126 (f) To fail to award all prizes offered;

127 (g) To print, publish, or circulate literature or
 128 advertising material used in connection with the drawing which
 129 is false, deceptive, or misleading;

130 (h) To cancel a drawing; ~~or~~

131 (i) To condition the acquisition or giveaway of any prize
 132 upon the receipt of voluntary donations or contributions; or.

133 (j) To engage in, promote, or conduct any drawing through
 134 the use of any mechanically or electronically operated machine
 135 or device that is:

136 1. Owned, leased, or otherwise controlled by the
 137 organization or a partner, affiliate, subsidiary, contractor, or
 138 agent of the organization; and

139 2. Operated, played, or otherwise interacted with by an

140 entrant to the drawing in an establishment controlled by or in
 141 any way affiliated with the operator.

142 ~~(7) (a) Any organization which engages in any act or~~
 143 ~~practice in violation of this section is guilty of a misdemeanor~~
 144 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
 145 ~~775.083. However,~~ Any organization or other person who sells or
 146 offers for sale in this state a ticket or entry blank for a
 147 raffle or other drawing by chance, without complying with the
 148 requirements of paragraph (3) (d), commits ~~is guilty of~~ a
 149 misdemeanor of the second degree, punishable by fine only as
 150 provided in s. 775.083.

151 (b) Any organization or person who violates paragraph
 152 (4) (j) commits a misdemeanor of the first degree, punishable as
 153 provided in s. 775.082 or s. 775.083.

154 (c) Any organization that engages in any other act or
 155 practice in violation of this section commits a misdemeanor of
 156 the second degree, punishable as provided in s. 775.082 or s.
 157 775.083.

158 Section 3. Section 849.094, Florida Statutes, is amended
 159 to read:

160 849.094 Game promotion in connection with sale of consumer
 161 products or services.—

162 (1) As used in this section, the term:

163 (a) "Department" means the Department of Agriculture and
 164 Consumer Services.

165 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a
 166 contest, game of chance, sweepstakes, or gift enterprise,
 167 conducted by an operator within or throughout the state and

168 other states in connection with and incidental to the sale of
 169 consumer products or services, and in which the elements of
 170 chance and prize are present. However, "game promotion" may
 171 ~~shall~~ not be construed to apply to bingo games conducted
 172 pursuant to s. 849.0931.

173 (c) ~~(b)~~ "Operator" means any person, firm, corporation,
 174 enterprise, organization, or association or agent or employee
 175 thereof who promotes, operates, or conducts a game promotion,
 176 ~~except any charitable nonprofit organization.~~

177 (2) Section 849.09 does not prohibit an operator from
 178 conducting a game promotion pursuant to this section, if the
 179 operator has complied with this section. Authority to conduct
 180 game promotions pursuant to this section does not provide an
 181 exemption to s. 849.01, s. 849.15, or any other law.

182 (3) An organization as defined in s. 849.0935 may not
 183 operate a game promotion.

184 (4) ~~(2)~~ It is unlawful for any operator:

185 (a) To engage in, promote, or conduct such a game
 186 promotion through the use of any mechanically or electronically
 187 operated machine or device that is:

188 1. Owned, leased, or otherwise controlled by the
 189 organization or the organization's partners, affiliates,
 190 subsidiaries, contractors, or agents; and

191 2. Operated, played, or otherwise interacted with by an
 192 entrant to the game promotion in an establishment controlled by
 193 or in any way affiliated with the operator.

194 (b) ~~(a)~~ To design, engage in, promote, or conduct such a
 195 game promotion, in connection with the promotion or sale of

196 consumer products or services, wherein the winner may be
 197 predetermined or the game may be manipulated or rigged so as to:

198 1. Allocate a winning game or any portion thereof to
 199 certain lessees, agents, or franchises; or

200 2. Allocate a winning game or part thereof to a particular
 201 period of the game promotion or to a particular geographic area;

202 (c)~~(b)~~ Arbitrarily to remove, disqualify, disallow, or
 203 reject any entry;

204 (d)~~(e)~~ To fail to award prizes offered;

205 (e)~~(d)~~ To print, publish, or circulate literature or
 206 advertising material used in connection with such game
 207 promotions which is false, deceptive, or misleading; or

208 (f)~~(e)~~ To require an entry fee, payment, or proof of
 209 purchase as a condition of entering a game promotion.

210 (5)~~(3)~~ The operator of a game promotion in which the total
 211 announced value of the prizes offered is greater than \$5,000
 212 shall file with the department ~~of Agriculture and Consumer~~
 213 ~~Services~~ a copy of the rules and regulations of the game
 214 promotion and a list of all prizes and prize categories offered
 215 at least 7 days before the commencement of the game promotion.

216 Such rules and regulations may not thereafter be changed,
 217 modified, or altered. The operator of a game promotion shall
 218 conspicuously post the rules and regulations of such game
 219 promotion in each and every retail outlet or place where such
 220 game promotion may be played or participated in by the public
 221 and shall also publish the rules and regulations in all
 222 advertising copy used in connection therewith. However, such
 223 advertising copy need only include the material terms of the

224 rules and regulations if the advertising copy includes a website
225 address, a toll-free telephone number, or a mailing address
226 where the full rules and regulations may be viewed, heard, or
227 obtained for the full duration of the game promotion. Such
228 disclosures must be legible. Radio and television announcements
229 may indicate that the rules and regulations are available at
230 retail outlets or from the operator of the promotion. A
231 nonrefundable filing fee of \$100 shall accompany each filing and
232 shall be used to pay the costs incurred in administering and
233 enforcing the provisions of this section.

234 (6)~~(4)~~ (a) Every operator of such a game promotion in which
235 the total announced value of the prizes offered is greater than
236 \$5,000 shall establish a trust account, in a national or state-
237 chartered financial institution, with a balance sufficient to
238 pay or purchase the total value of all prizes offered. On a form
239 supplied by the department ~~of Agriculture and Consumer Services~~,
240 an official of the financial institution holding the trust
241 account shall set forth the dollar amount of the trust account,
242 the identity of the entity or individual establishing the trust
243 account, and the name of the game promotion for which the trust
244 account has been established. Such form shall be filed with the
245 department ~~of Agriculture and Consumer Services~~ at least 7 days
246 in advance of the commencement of the game promotion. In lieu of
247 establishing such trust account, the operator may obtain a
248 surety bond in an amount equivalent to the total value of all
249 prizes offered; and such bond shall be filed with the department
250 ~~of Agriculture and Consumer Services~~ at least 7 days in advance
251 of the commencement of the game promotion.

252 1. The moneys held in the trust account may be withdrawn
 253 in order to pay the prizes offered only upon certification to
 254 the department ~~of Agriculture and Consumer Services~~ of the name
 255 of the winner or winners and the amount of the prize or prizes
 256 and the value thereof.

257 2. If the operator of a game promotion has obtained a
 258 surety bond in lieu of establishing a trust account, the amount
 259 of the surety bond shall equal at all times the total amount of
 260 the prizes offered.

261 (b) The department ~~of Agriculture and Consumer Services~~
 262 may waive the provisions of this subsection for any operator who
 263 has conducted game promotions in the state for not less than 5
 264 consecutive years and who has not had any civil, criminal, or
 265 administrative action instituted against him or her by the state
 266 or an agency of the state for violation of this section within
 267 that 5-year period. Such waiver may be revoked upon the
 268 commission of a violation of this section by such operator, as
 269 determined by the department ~~of Agriculture and Consumer~~
 270 ~~Services~~.

271 (7)~~(5)~~ Every operator of a game promotion in which the
 272 total announced value of the prizes offered is greater than
 273 \$5,000 shall provide the department ~~of Agriculture and Consumer~~
 274 ~~Services~~ with a certified list of the names and addresses of all
 275 persons, whether from this state or from another state, who have
 276 won prizes which have a value of more than \$25, the value of
 277 such prizes, and the dates when the prizes were won within 60
 278 days after such winners have been finally determined. The
 279 operator shall provide a copy of the list of winners, without

280 charge, to any person who requests it. In lieu of the foregoing,
 281 the operator of a game promotion may, at his or her option,
 282 publish the same information about the winners in a Florida
 283 newspaper of general circulation within 60 days after such
 284 winners have been determined and shall provide to the department
 285 ~~of Agriculture and Consumer Services~~ a certified copy of the
 286 publication containing the information about the winners. The
 287 operator of a game promotion is not required to notify a winner
 288 by mail or by telephone when the winner is already in possession
 289 of a game card from which the winner can determine that he or
 290 she has won a designated prize. All winning entries shall be
 291 held by the operator for a period of 90 days after the close or
 292 completion of the game.

293 (8) ~~(6)~~ The department ~~of Agriculture and Consumer Services~~
 294 shall keep the certified list of winners for a period of at
 295 least 6 months after receipt of the certified list. The
 296 department thereafter may dispose of all records and lists.

297 (9) ~~(7)~~ An ~~Ne~~ operator may not ~~shall~~ force, directly or
 298 indirectly, a lessee, agent, or franchise dealer to purchase or
 299 participate in any game promotion. For the purpose of this
 300 section, coercion or force is ~~shall be~~ presumed in these
 301 circumstances in which a course of business extending ~~over a~~
 302 ~~period of~~ 1 year or more ~~longer~~ is materially changed coincident
 303 with a failure or refusal of a lessee, agent, or franchise
 304 dealer to participate in such game promotions. Such force or
 305 coercion is ~~shall further be~~ presumed when an operator
 306 advertises generally that game promotions are available at its
 307 lessee dealers or agent dealers.

308 (10)~~(8)~~ (a) The department may adopt ~~of Agriculture and~~
 309 ~~Consumer Services shall have the power to promulgate~~ such rules
 310 and regulations respecting the operation of game promotions as
 311 it deems ~~may deem~~ advisable.

312 (b) Compliance with the rules of the department does not
 313 authorize and is not a defense to a charge of possession of a
 314 slot machine or device or any other device or a violation of any
 315 other law.

316 (c)~~(b)~~ Whenever the department ~~of Agriculture and Consumer~~
 317 ~~Services~~ or the Department of Legal Affairs has reason to
 318 believe that a game promotion is being operated in violation of
 319 this section, it may bring an action in the circuit court of any
 320 judicial circuit in which the game promotion is being operated
 321 in the name and on behalf of the people of the state against any
 322 operator thereof to enjoin the continued operation of such game
 323 promotion anywhere within the state.

324 (11)~~(9)~~ (a) Any person, firm, or corporation, or
 325 association or agent or employee thereof, who engages in any
 326 acts or practices stated in this section to be unlawful, or who
 327 violates any of the rules and regulations made pursuant to this
 328 section, commits ~~is guilty of~~ a misdemeanor of the second
 329 degree, punishable as provided in s. 775.082 or s. 775.083.

330 (b) Any person, firm, or corporation, or association or
 331 agent or employee thereof, who violates paragraph (4) (a) commits
 332 a felony of the third degree, punishable as provided in s.
 333 775.082, s. 775.083, or s. 775.084.

334 (c)~~(b)~~ Any person, firm, corporation, association, agent,
 335 or employee who violates any provision of this section or any of

336 the rules and regulations made pursuant to this section shall be
 337 liable for a civil penalty of not more than \$1,000 for each such
 338 violation, which shall accrue to the state and may be recovered
 339 in a civil action brought by the department of ~~Agriculture and~~
 340 ~~Consumer Services~~ or the Department of Legal Affairs.

341 (12) A violation of this section, or soliciting another to
 342 do an act that violates this section, constitutes a deceptive
 343 and unfair trade practice actionable under the Florida Deceptive
 344 and Unfair Trade Practices Act.

345 ~~(13)(10) This section does not apply to actions or~~
 346 ~~transactions regulated by the Department of Business and~~
 347 ~~Professional Regulation or to the activities of nonprofit~~
 348 ~~organizations or to any other organization engaged in any~~
 349 ~~enterprise other than the sale of consumer products or services.~~
 350 Subsections ~~(3), (4),~~ (5), (6), and (7), (8), and (9) and
 351 paragraph (10) (a) ~~(8) (a)~~ and any of the rules made pursuant
 352 thereto do not apply to television or radio broadcasting
 353 companies licensed by the Federal Communications Commission.

354 Section 4. Section 849.16, Florida Statutes, is amended to
 355 read:

356 849.16 Machines or devices which come within provisions of
 357 law defined.—

358 (1) As used in this chapter, the term "slot machine or
 359 device" means any machine or device or system or network of
 360 devices ~~is a slot machine or device within the provisions of~~
 361 ~~this chapter if it is one that is adapted for use in such a way~~
 362 that, upon activation, which may be achieved by, but is not
 363 limited to, as a result of the insertion of any piece of money,

364 coin, account number, code, or other object or information, such
 365 ~~machine or device~~ or system is directly or indirectly caused to
 366 operate or may be operated and if the user, whether by
 367 application of skill or by reason of any element of chance or of
 368 any other outcome ~~of such operation~~ unpredictable by the user
 369 ~~him or her~~, may:

370 (a) Receive or become entitled to receive any piece of
 371 money, credit, allowance, or thing of value, or any check, slug,
 372 token, or memorandum, whether of value or otherwise, which may
 373 be exchanged for any money, credit, allowance, or thing of value
 374 or which may be given in trade; or

375 (b) Secure additional chances or rights to use such
 376 machine, apparatus, or device, even though the device or system
 377 ~~it~~ may be available for free play or, in addition to any element
 378 of chance or unpredictable outcome of such operation, may also
 379 sell, deliver, or present some merchandise, indication of
 380 weight, entertainment, or other thing of value. The term "slot
 381 machine or device" includes, but is not limited to, devices
 382 regulated as slot machines pursuant to chapter 551.

383 (2) ~~Nothing contained in~~ This chapter may not ~~shall~~ be
 384 construed, interpreted, or applied to the possession of a
 385 reverse vending machine. As used in this section, the term a
 386 "reverse vending machine" means ~~is~~ a machine into which empty
 387 beverage containers are deposited for recycling and which
 388 provides a payment of money, merchandise, vouchers, or other
 389 incentives. At a frequency less than upon the deposit of each
 390 beverage container, a reverse vending machine may pay out a
 391 random incentive bonus greater than that guaranteed payment in

392 the form of money, merchandise, vouchers, or other incentives.
 393 The deposit of any empty beverage container into a reverse
 394 vending machine does not constitute consideration, and ~~nor shall~~
 395 a reverse vending machine may not be deemed ~~to be~~ a slot machine
 396 as defined in ~~within~~ this section.

397 (3) There is a rebuttable presumption that a device,
 398 system, or network is a prohibited slot machine or device if it
 399 is used to display images of games of chance and is part of a
 400 scheme involving any payment or donation of money or its
 401 equivalent and awarding anything of value.

402 Section 5. Paragraph (a) of subsection (1) of section
 403 895.02, Florida Statutes, is amended to read:

404 895.02 Definitions.—As used in ss. 895.01–895.08, the
 405 term:

406 (1) "Racketeering activity" means to commit, to attempt to
 407 commit, to conspire to commit, or to solicit, coerce, or
 408 intimidate another person to commit:

409 (a) Any crime that is chargeable by petition, indictment,
 410 or information under the following provisions of the Florida
 411 Statutes:

412 1. Section 210.18, relating to evasion of payment of
 413 cigarette taxes.

414 2. Section 316.1935, relating to fleeing or attempting to
 415 elude a law enforcement officer and aggravated fleeing or
 416 eluding.

417 3. Section 403.727(3)(b), relating to environmental
 418 control.

419 4. Section 409.920 or s. 409.9201, relating to Medicaid

- 420 fraud.
- 421 5. Section 414.39, relating to public assistance fraud.
- 422 6. Section 440.105 or s. 440.106, relating to workers'
- 423 compensation.
- 424 7. Section 443.071(4), relating to creation of a
- 425 fictitious employer scheme to commit reemployment assistance
- 426 fraud.
- 427 8. Section 465.0161, relating to distribution of medicinal
- 428 drugs without a permit as an Internet pharmacy.
- 429 9. Section 499.0051, relating to crimes involving
- 430 contraband and adulterated drugs.
- 431 10. Part IV of chapter 501, relating to telemarketing.
- 432 11. Chapter 517, relating to sale of securities and
- 433 investor protection.
- 434 12. Section 550.235 or s. 550.3551, relating to dogracing
- 435 and horseracing.
- 436 13. Chapter 550, relating to jai alai frontons.
- 437 14. Section 551.109, relating to slot machine gaming.
- 438 15. Chapter 552, relating to the manufacture,
- 439 distribution, and use of explosives.
- 440 16. Chapter 560, relating to money transmitters, if the
- 441 violation is punishable as a felony.
- 442 17. Chapter 562, relating to beverage law enforcement.
- 443 18. Section 624.401, relating to transacting insurance
- 444 without a certificate of authority, s. 624.437(4)(c)1., relating
- 445 to operating an unauthorized multiple-employer welfare
- 446 arrangement, or s. 626.902(1)(b), relating to representing or
- 447 aiding an unauthorized insurer.

448 19. Section 655.50, relating to reports of currency
449 transactions, when such violation is punishable as a felony.

450 20. Chapter 687, relating to interest and usurious
451 practices.

452 21. Section 721.08, s. 721.09, or s. 721.13, relating to
453 real estate timeshare plans.

454 22. Section 775.13(5)(b), relating to registration of
455 persons found to have committed any offense for the purpose of
456 benefiting, promoting, or furthering the interests of a criminal
457 gang.

458 23. Section 777.03, relating to commission of crimes by
459 accessories after the fact.

460 24. Chapter 782, relating to homicide.

461 25. Chapter 784, relating to assault and battery.

462 26. Chapter 787, relating to kidnapping or human
463 trafficking.

464 27. Chapter 790, relating to weapons and firearms.

465 28. Chapter 794, relating to sexual battery, but only if
466 such crime was committed with the intent to benefit, promote, or
467 further the interests of a criminal gang, or for the purpose of
468 increasing a criminal gang member's own standing or position
469 within a criminal gang.

470 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or
471 s. 796.07, relating to prostitution and sex trafficking.

472 30. Chapter 806, relating to arson and criminal mischief.

473 31. Chapter 810, relating to burglary and trespass.

474 32. Chapter 812, relating to theft, robbery, and related
475 crimes.

- 476 | 33. Chapter 815, relating to computer-related crimes.
- 477 | 34. Chapter 817, relating to fraudulent practices, false
- 478 | pretenses, fraud generally, and credit card crimes.
- 479 | 35. Chapter 825, relating to abuse, neglect, or
- 480 | exploitation of an elderly person or disabled adult.
- 481 | 36. Section 827.071, relating to commercial sexual
- 482 | exploitation of children.
- 483 | 37. Chapter 831, relating to forgery and counterfeiting.
- 484 | 38. Chapter 832, relating to issuance of worthless checks
- 485 | and drafts.
- 486 | 39. Section 836.05, relating to extortion.
- 487 | 40. Chapter 837, relating to perjury.
- 488 | 41. Chapter 838, relating to bribery and misuse of public
- 489 | office.
- 490 | 42. Chapter 843, relating to obstruction of justice.
- 491 | 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 492 | s. 847.07, relating to obscene literature and profanity.
- 493 | 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
- 494 | ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
- 495 | gaming devices, slot machines, or any of the provisions within
- 496 | that chapter.
- 497 | 45. Chapter 874, relating to criminal gangs.
- 498 | 46. Chapter 893, relating to drug abuse prevention and
- 499 | control.
- 500 | 47. Chapter 896, relating to offenses related to financial
- 501 | transactions.
- 502 | 48. Sections 914.22 and 914.23, relating to tampering with
- 503 | or harassing a witness, victim, or informant, and retaliation

504 against a witness, victim, or informant.

505 49. Sections 918.12 and 918.13, relating to tampering with
506 jurors and evidence.

507 Section 6. Subsection (2) of section 721.111, Florida
508 Statutes, is amended to read:

509 721.111 Prize and gift promotional offers.—

510 (2) A game promotion, such as a contest of chance, gift
511 enterprise, or sweepstakes, in which the elements of chance and
512 prize are present may not be used in connection with the
513 offering or sale of timeshare interests, except for drawings, as
514 that term is defined in s. 849.0935(1)(a), in which no more than
515 26 prizes are promoted and in which all promoted prizes are
516 actually awarded. All such drawings must meet all requirements
517 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
518 (9) ~~(7)~~.

519 Section 7. For the purpose of incorporating the amendment
520 made by this act to section 895.02, Florida Statutes, in a
521 reference thereto, paragraph (a) of subsection (1) of section
522 16.56, Florida Statutes, is reenacted to read:

523 16.56 Office of Statewide Prosecution.—

524 (1) There is created in the Department of Legal Affairs an
525 Office of Statewide Prosecution. The office shall be a separate
526 "budget entity" as that term is defined in chapter 216. The
527 office may:

528 (a) Investigate and prosecute the offenses of:

529 1. Bribery, burglary, criminal usury, extortion, gambling,
530 kidnapping, larceny, murder, prostitution, perjury, robbery,
531 carjacking, and home-invasion robbery;

- 532 2. Any crime involving narcotic or other dangerous drugs;
- 533 3. Any violation of the provisions of the Florida RICO
- 534 (Racketeer Influenced and Corrupt Organization) Act, including
- 535 any offense listed in the definition of racketeering activity in
- 536 s. 895.02(1)(a), providing such listed offense is investigated
- 537 in connection with a violation of s. 895.03 and is charged in a
- 538 separate count of an information or indictment containing a
- 539 count charging a violation of s. 895.03, the prosecution of
- 540 which listed offense may continue independently if the
- 541 prosecution of the violation of s. 895.03 is terminated for any
- 542 reason;
- 543 4. Any violation of the provisions of the Florida Anti-
- 544 Fencing Act;
- 545 5. Any violation of the provisions of the Florida
- 546 Antitrust Act of 1980, as amended;
- 547 6. Any crime involving, or resulting in, fraud or deceit
- 548 upon any person;
- 549 7. Any violation of s. 847.0135, relating to computer
- 550 pornography and child exploitation prevention, or any offense
- 551 related to a violation of s. 847.0135 or any violation of
- 552 chapter 827 where the crime is facilitated by or connected to
- 553 the use of the Internet or any device capable of electronic data
- 554 storage or transmission;
- 555 8. Any violation of the provisions of chapter 815;
- 556 9. Any criminal violation of part I of chapter 499;
- 557 10. Any violation of the provisions of the Florida Motor
- 558 Fuel Tax Relief Act of 2004;
- 559 11. Any criminal violation of s. 409.920 or s. 409.9201;

- 560 12. Any crime involving voter registration, voting, or
 561 candidate or issue petition activities;
- 562 13. Any criminal violation of the Florida Money Laundering
 563 Act;
- 564 14. Any criminal violation of the Florida Securities and
 565 Investor Protection Act; or
- 566 15. Any violation of the provisions of chapter 787, as
 567 well as any and all offenses related to a violation of the
 568 provisions of chapter 787;

569

570 or any attempt, solicitation, or conspiracy to commit any of the
 571 crimes specifically enumerated above. The office shall have such
 572 power only when any such offense is occurring, or has occurred,
 573 in two or more judicial circuits as part of a related
 574 transaction, or when any such offense is connected with an
 575 organized criminal conspiracy affecting two or more judicial
 576 circuits. Informations or indictments charging such offenses
 577 shall contain general allegations stating the judicial circuits
 578 and counties in which crimes are alleged to have occurred or the
 579 judicial circuits and counties in which crimes affecting such
 580 circuits or counties are alleged to have been connected with an
 581 organized criminal conspiracy.

582 Section 8. For the purpose of incorporating the amendment
 583 made by this act to section 849.16, Florida Statutes, in a
 584 reference thereto, subsection (1) of section 338.234, Florida
 585 Statutes, is reenacted to read:

586 338.234 Granting concessions or selling along the turnpike
 587 system; immunity from taxation.—

588 (1) The department may enter into contracts or licenses
 589 with any person for the sale of services or products or business
 590 opportunities on the turnpike system, or the turnpike enterprise
 591 may sell services, products, or business opportunities on the
 592 turnpike system, which benefit the traveling public or provide
 593 additional revenue to the turnpike system. Services, business
 594 opportunities, and products authorized to be sold include, but
 595 are not limited to, motor fuel, vehicle towing, and vehicle
 596 maintenance services; food with attendant nonalcoholic
 597 beverages; lodging, meeting rooms, and other business services
 598 opportunities; advertising and other promotional opportunities,
 599 which advertising and promotions must be consistent with the
 600 dignity and integrity of the state; state lottery tickets sold
 601 by authorized retailers; games and amusements that operate by
 602 the application of skill, not including games of chance as
 603 defined in s. 849.16 or other illegal gambling games; Florida
 604 citrus, goods promoting the state, or handmade goods produced
 605 within the state; and travel information, tickets, reservations,
 606 or other related services. However, the department, pursuant to
 607 the grants of authority to the turnpike enterprise under this
 608 section, shall not exercise the power of eminent domain solely
 609 for the purpose of acquiring real property in order to provide
 610 business services or opportunities, such as lodging and meeting-
 611 room space on the turnpike system.

612 Section 9. For the purpose of incorporating the amendment
 613 made by this act to section 895.02, Florida Statutes, in a
 614 reference thereto, paragraph (g) of subsection (3) of section
 615 655.50, Florida Statutes, is reenacted to read:

616 655.50 Florida Control of Money Laundering in Financial
 617 Institutions Act; reports of transactions involving currency or
 618 monetary instruments; when required; purpose; definitions;
 619 penalties.-

620 (3) As used in this section, the term:

621 (g) "Specified unlawful activity" means any "racketeering
 622 activity" as defined in s. 895.02.

623 Section 10. For the purpose of incorporating the amendment
 624 made by this act to section 849.16, Florida Statutes, in a
 625 reference thereto, section 849.19, Florida Statutes, is
 626 reenacted to read:

627 849.19 Property rights in confiscated machine.-The right
 628 of property in and to any machine, apparatus or device as
 629 defined in s. 849.16 and to all money and other things of value
 630 therein, is declared not to exist in any person, and the same
 631 shall be forfeited and such money or other things of value shall
 632 be forfeited to the county in which the seizure was made and
 633 shall be delivered forthwith to the clerk of the circuit court
 634 and shall by her or him be placed in the fine and forfeiture
 635 fund of said county.

636 Section 11. For the purpose of incorporating the amendment
 637 made by this act to section 895.02, Florida Statutes, in a
 638 reference thereto, paragraph (g) of subsection (2) of section
 639 896.101, Florida Statutes, is reenacted to read:

640 896.101 Florida Money Laundering Act; definitions;
 641 penalties; injunctions; seizure warrants; immunity.-

642 (2) As used in this section, the term:

643 (g) "Specified unlawful activity" means any "racketeering

644 activity" as defined in s. 895.02.

645 Section 12. For the purpose of incorporating the amendment
 646 made by this act to section 895.02, Florida Statutes, in a
 647 reference thereto, subsection (3) of section 905.34, Florida
 648 Statutes, is reenacted to read:

649 905.34 Powers and duties; law applicable.—The jurisdiction
 650 of a statewide grand jury impaneled under this chapter shall
 651 extend throughout the state. The subject matter jurisdiction of
 652 the statewide grand jury shall be limited to the offenses of:

653 (3) Any violation of the provisions of the Florida RICO
 654 (Racketeer Influenced and Corrupt Organization) Act, including
 655 any offense listed in the definition of racketeering activity in
 656 s. 895.02(1)(a), providing such listed offense is investigated
 657 in connection with a violation of s. 895.03 and is charged in a
 658 separate count of an information or indictment containing a
 659 count charging a violation of s. 895.03, the prosecution of
 660 which listed offense may continue independently if the
 661 prosecution of the violation of s. 895.03 is terminated for any
 662 reason;

663
 664 or any attempt, solicitation, or conspiracy to commit any
 665 violation of the crimes specifically enumerated above, when any
 666 such offense is occurring, or has occurred, in two or more
 667 judicial circuits as part of a related transaction or when any
 668 such offense is connected with an organized criminal conspiracy
 669 affecting two or more judicial circuits. The statewide grand
 670 jury may return indictments and presentments irrespective of the
 671 county or judicial circuit where the offense is committed or

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672 | triable. If an indictment is returned, it shall be certified and
673 | transferred for trial to the county where the offense was
674 | committed. The powers and duties of, and law applicable to,
675 | county grand juries shall apply to a statewide grand jury except
676 | when such powers, duties, and law are inconsistent with the
677 | provisions of ss. 905.31-905.40.

678 | Section 13. This act shall take effect upon becoming a
679 | law.